

January 27, 2012

Mr. Horst Greczmiel  
Associate Director for National Environmental Policy Act Oversight  
The Council on Environmental Quality  
722 Jackson Place N.W.  
Washington, DC 20503

Re: Council on Environmental Quality Draft Guidance on Improving the Process for Preparing Efficient and Timely Reviews under the National Environmental Policy Act

Dear Mr. Greczmiel:

The American Association of State Highway and Transportation Officials (AASHTO) welcomes the opportunity to submit these comments to the Council on Environmental Quality (CEQ) regarding the draft guidance on "Improving the Process for Preparing Efficient and Timely Reviews under the National Environmental Policy Act."

AASHTO is a nonprofit, nonpartisan association representing highway and transportation departments in the 50 states, the District of Columbia, and Puerto Rico. It represents all five transportation modes: air, highways, public transportation, rail, and water. Its primary goal is to foster the development, operation, and maintenance of an integrated national transportation system. Our members work closely with USDOT agencies to operate, maintain, and improve the nation's transportation system.

AASHTO applauds CEQ's commitment to review existing regulations in accordance with Executive Order 13563 as well as its support of the President's efforts to enhance the efficient and effective permitting and environmental review of infrastructure development. The review of existing regulations in accordance with Executive Order 13563 assists in promoting streamlining and flexibility and encourages strategies for establishing schedules and effectively completing steps set forth in environmental reviews. The draft guidance establishes a broad range of approaches to effectively and efficiently prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA).

The following provides comments on various strategies set forth the draft guidance.

#### Concise NEPA Documents

AASHTO appreciates the flexibility the guidance provides to approaching each project based on its unique circumstances. The ability to discuss insignificant issues briefly will enable Departments of Transportation to develop succinct NEPA documents. The guidance language regarding recommended document lengths is relatively vague indicating “that there will be a range of appropriate lengths.” AASHTO encourages CEQ to emphasize the importance of concise documents. Such emphasis will enable streamlined document preparation and more efficient and effective permitting.

#### Scoping

AASHTO is pleased that the guidance places an emphasis on a single lead federal agency, charged with collaborating with cooperating agencies. AASHTO encourages CEQ to emphasize the importance of a single lead agency to other federal agencies that may have jurisdiction on environmental issue that may need to be considered in the NEPA document. We are also encouraged that the guidance deemphasizes insignificant issues. We suggest that the guidance encourage federal resource agencies to develop transparent scoping tools in order to streamline reviews.

#### Coordinating Reviews and Documents Under Other Applicable Laws

AASHTO agrees that it is imperative to conduct concurrent process in order to streamline environmental reviews. We agree that early coordination will provide a better basis for informed decision making.

#### Incorporation by Reference

AASHTO agrees that incorporation by reference provides efficiencies and the potential for streamlining, although many relevant documents may not be “reasonably available for inspection.” For example, many transportation related publications are copyrighted and may only be available for purchase. Allowing flexibility will enable transportation agencies to reference copyrighted material such as Transportation Research Board publications that are relevant to the NEPA document, as opposed to independently developing similar materials. AASHTO encourages CEQ to allow more flexibility in order to avoid duplication of effort.

#### Expediting Response to Comments

AASHTO believes that this section of the guidance has great potential to streamline the environmental review process. The development of a final EIS when comments on the draft EIS are not substantial is extremely duplicative of the draft EIS. AASHTO encourages CEQ to allow the final EIS and Record of Decision (ROD) to be issued as a single document, provided that the draft EIS identified a preferred alternative and no significant new issues are identified after the draft EIS was issued. AASHTO urges CEQ to encourage federal agencies to utilize this streamlining tool more frequently.

#### Clear Time Lines for NEPA Reviews

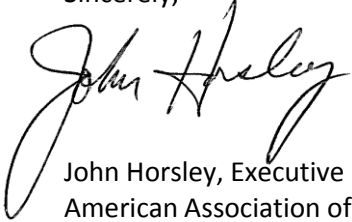
Prescribing more specific timeframe frames for the NEPA process would achieve process streamlining. AASHTO encourages CEQ to consider automatic triggers in the review process. AASHTO recommends that CEQ strengthen the requirements for agencies to make permit decisions within 180 days after the USDOT’s NEPA decision document has been issued.

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We thank you for considering these comments. If you would like to discuss any of these comments, please contact Janet Oakley, AASHTO's Director, Policy and Government Relations at (202) 624-3698 or [joakley@aaashto.org](mailto:joakley@aaashto.org).

Sincerely,

A handwritten signature in black ink, appearing to read "John Horsley". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Horsley".

John Horsley, Executive Director  
American Association of State Highway and Transportation Officials